

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:07-cv-694-MEF
)
)
ONE PARCEL OF PROPERTY)
LOCATED AT 867 COUNTY ROAD)
227, CLANTON, CHILTON)
COUNTY, ALABAMA, WITH ALL)
APPURTEANCES AND)
IMPROVEMENTS THEREON,)
)
Defendant.)

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:07-cv-1104-MEF
)
)
EIGHTEEN THOUSAND FOUR)
HUNDRED (\$18,400) DOLLARS)
IN UNITED STATES CURRENCY,) (WO)
)
Defendant.)

DECREE OF FORFEITURE

Before the Court is the United States of America's Motion for Decree of Forfeiture.

On July 31, 2007, the United States filed a complaint for forfeiture (Doc. #1, case no. 2:07-cv-694-MEF), pursuant to 21 U.S.C. § 881, alleging that the Defendant real property, including any right, title and interest in the whole of any lot or trace and any appurtenances or improvements thereon, was used or intended to be used, to commit, or to facilitate the commission of a violation

of 21 U.S.C. § 841(c), and a conspiracy to commit the same offense. The Defendant real property is known and numbered as 867 County Road 227, Clanton, Chilton County, Alabama, with all appurtenances, improvements, and attachments thereon, and is more fully described as:

Commence at the Southwest Corner of the Southwest Fourth of the Southeast Fourth of Section 12, Township 21-North, Range 13-East, Chilton County, Alabama, the point of beginning; thence North 0 degrees 02 minutes 45 seconds West 1315.40 feet to an iron pin; thence North 89 degrees 55 minutes 53 seconds East 1325.27 feet to an iron pin on the west right-of-way of Moody Williams Road; thence along said right-of-way in a curve to the right with a radius of 1736.70 feet to a chord of South 10 degrees 23 minutes 45 seconds West a distance of 204.91 feet; thence along a curve to left with a radius of 939.60 feet a chord of South 5 degrees 57 minutes 17 seconds west a distance of 268.35 feet; thence continue along said right-of-way South 1 degree 10 minutes 30 seconds East 848.72 feet to an iron pin; thence leaving said right-of-way north 90 degrees West 1276.80 feet to the point of beginning; lying in the Southeast fourth, Section 12, Township 21-North, Range 13-East, Chilton County, Alabama, and containing 38.50 acres, more or less.

Parcel # 16-01-12-0-000-014.001

The record owners of the Defendant real property as of the date of the offense were Royce Anthony Williams and Mara Lynn Williams.

On December 19, 2007, a Verified Complaint for Forfeiture *In Rem* (Doc. #1, case no. 2:07cv-1104-MHT), pursuant to 21 U.S.C. § 881(a)(6), alleging that the Defendant currency, Eighteen Thousand Four Hundred (\$18,400) Dollars constituted monies furnished, or intended to be furnished, in exchange for controlled substances, or represents proceeds of trafficking in controlled substances or was used or intended to be used to facilitate violations of 21 U.S.C. §§ 801 *et seq.*

It appearing that notice was provided pursuant to 18 U.S.C. §§ 985(b)(1) and (c)(1), and process was fully issued in this action and returned according to law:

Pursuant to a Warrant and Summons for Arrest *In Rem* (Doc. #2, case no. 2:07-cv-1104-MHT), issued by United States District Judge Myron H. Thompson, the United States Marshals Service for the Middle District of Alabama arrested the Defendant currency on January 9, 2008. (Doc. #4, case no. 2:07-cv-1104).

Posted Notice as to 2:07-cv-694-MEF

On August 1, 2007, a Notice of Lis Pendens was stamped filed in the Judge of Probate Office for Chilton County, Alabama.

On September 19, 2007, a United States Marshal personally served Mara Lynn Williams with a copy of the Verified Complaint for Forfeiture *In Rem* and Notice of Complaint for Forfeiture Against Real Property (Doc. #4).

On August 24, 2007, Mara Lynn Williams, wife of Royce A. Williams, a person of suitable age and discretion residing at the address listed for service, personally accepted service of a copy of the Verified Complaint for Forfeiture *In Rem* and Notice of Complaint for Forfeiture Against Real Property from a United States Marshal on behalf of Royce A. Williams. (Doc. #4).

Pursuant to the Notice of Complaint for Forfeiture Against Real Property, the United States Marshals Service for Middle District of Alabama posted a copy of the Notice on the defendant property on September 17, 2007. (Doc. #3).

On October 18, 24 and 31, 2007, notice of case no. 2:07-cv-694-MEF was published in the Montgomery Advertiser newspaper. (Doc. #15).

On October 25, November 1 and November 8, 2007, notice of case no. 2:07-cv-694-MEF was published in the Chilton County News newspaper. (Doc. #16).

Service as to case no. 2:07-cv-1104-MHT

On January 9, 2008, a United States Marshal served the Defendant currency with a copy of the Verified Complaint for Forfeiture *In Rem* and Warrant for Arrest *In Rem*. (Doc. #4).

On January 11, 2008, a United States Marshal personally served Loulee Karn, wife and secretary of David B. Karn, as counsel for Royce A. Williams and Mara Lynn Williams, with copies of the Verified Complaint for Forfeiture *In Rem* and Warrant for Arrest *In Rem*. (Doc. #5).

On January 11, 2008, a United States Marshal personally served Carlos Williams, son of claimants, on behalf of Mara Lynn Williams and Royce Williams, with copies of the Verified Complaint for Forfeiture *In Rem* and Warrant for Arrest *In Rem* (Docs. #6 and #7).

On January 15, 22 and 29, 2008, notice of case no. 2:07-cv-1104-MHT, was published in the Montgomery Advertiser newspaper. (Doc. # 39).

On January 29, 2008, the United States filed a motion to consolidate (Doc. #27, case no. 2:07-cv-694-MEF; Doc. #8, case no. 2:07-cv-1104-MHT).

On January 29, 2008, the Court consolidated the proceedings with case no. 2:07-cv-694-MEF, as the lead case (Doc. #28, case no. 2:07-cv-694-MEF), and reassigned the case to Chief United States District Judge Mark E. Fuller (Doc. #9, case no. 2:07-cv-1104-MEF).

On February 6, 2008, Royce Williams (“Claimant”) filed a Verified Claim and Motion for Return of Property for the Defendant property (Doc. #30).

On February 6, 2008, Mara Lynn Williams (“Claimant”) filed a Verified Claim for the Defendant property (Doc. #31).

On February 18, 2008, Claimants Royce Williams and Mara Lynn Williams filed an answer to the Verified Complaint for Forfeiture *In Rem*. (Doc. #35 and #36).

On September 29, 2009, the Court dismissed the Verified Claim of Royce Anthony Williams pursuant to Federal Rule of Civil Procedure 25(a)(1). (Doc. #55).

On January 29, 2010, Claimant Mara Lynn Williams filed an Amended Answer. (Doc. #74).

On April 16, 2010, Claimant Mara Lynn Williams entered into a Stipulation of Compromise Settlement in which Claimant consented to forfeiting to the United States Eighteen Thousand Four Hundred (\$18,400) Dollars plus accrued interest.

No other claim or answer has been filed on behalf of any other party.

According, for good cause shown, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. The Motion for Decree of Forfeiture (Doc. # 106) is GRANTED pursuant to the Stipulation of Compromise Settlement;
2. The Defendant currency in the amount of Eighteen Thousand Four Hundred (\$18,400) Dollars is forfeited to the United States, to be disposed of according to law, and no right, title of interest in the currency shall exist in any other party.
3. The parties shall file a Joint Motion to Dismiss the action against the Defendant real property.
4. The United States Marshal shall remove any documents posted to the Defendant real property.
5. The United States shall file a Release of Lis pendens with the Judge of Probate in Chilton County, Alabama, releasing the previously filed Lis Pendens against the Defendant real property based upon the Stipulation for Compromise Settlement.

6. The parties shall bear their own costs.

DONE this the 19th day of April, 2010.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE